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SUBJECT: U.S. STATEMENT ON PROTECTION OF CIVILIANS IN
ARMED CONFLICT

¶1. (U) USUN should draw from the statement in para 2 below during the UNSC Open Debate on Protection of Civilians in Armed Conflict scheduled for November 20, 2007.

¶2. (SBU) Begin statement.

Mr. President, thank you for convening today's important discussion. I would also like to thank Under-Secretary Holmes for his insightful briefing.

Eleanor Roosevelt once said, "The purpose of life. . . is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experiences." People everywhere wish for a life of opportunity for themselves and for their children. They want their nations to be successful, prosperous, and to ensure basic security and employment and educational opportunities. . . where each generation does better than its predecessor.

There are many States throughout the world striving to provide such an environment for their people. However, repressive regimes, the spread of global terrorism and extremism, intransigent poverty and other factors prevent many people from having their basic needs met and force them to live in fear.

The Secretary General, in his October 28th Report on the Protection of Civilians in Armed Conflict, reminded us all that "Enshrined in all major moral, religious, and legal codes, and not specific to any particular culture or tradition, the protection of civilians is a human, political and legal imperative that recognizes the inherent dignity and worth of every human being. It is a cause that unites us all in the responsibility to protect civilians from abuse, to mitigate the impact of warfare and to alleviate their suffering."

With that in mind, the United States would like to encourage strong UNSC and multilateral collective action to deal with the source of humanitarian crises -- governments that deliberately target or do not protect their civilians. For example, the humanitarian situations are directly related to their political situations, specifically a lack accountability to their citizens and failure to provide basic services and to meet basic needs. Humanitarian situations will continue until as long as the root problems remain unaddressed.

First -- Ensuring humanitarian access to civilians in need.

Humanitarian access to conflict areas is often hindered by lack of security and infrastructure. However, in some cases, state and non-state actors flagrantly deny access, mobilizing direct attacks against humanitarian workers, and making it impossible to meet emergency needs. Deliberate attacks on humanitarian workers remain a significant impediment to

life-saving aid in many crises, and we must all work together to provide for the safety and security of relief workers as well as civilians.

In the Darfur region of Sudan, where more than 4.2 million people depend on the lifeline that the international community provides, aid is frequently hindered due to government actions. For example, a few weeks after U.N. officials spoke out against Sudanese authorities, forced removal of displaced persons from a camp in South Darfur State in October, the governor expelled the top UN humanitarian official in the state -- citing other reasons. This action was taken despite an agreement that the Government of Sudan and the United Nations signed in March to foster an improved working relationship and to provide a forum to address issues of concern. The absence of key UN humanitarian staff to coordinate the international response will make it more difficult for humanitarian agencies to provide aid to more than one million people in South Darfur.

The United States remains concerned about the lack of humanitarian access in many areas of conflict. These humanitarian access issues stem from the political situation and the local government's lack of accountability to its people in providing for basic services and needs. Humanitarian issues of civilian protection will not be addressed without political change. We understand then that the attainment of peace and stability in these countries is a gradual transition that will not occur overnight, and thus, there are immediate needs for civilians on the ground that should be addressed. The United States recalls the obligations of parties to conflict, under applicable international law, to allow and facilitate passage of humanitarian relief to the extent feasible for civilians in need, and we urge all nations to follow-through on these important obligations. Humanitarian agencies cannot assist people they cannot reach.

Second -- Preventing Sexual Violence in Conflict.

The United States condemns sexual violence as an instrument of policy and calls on all Member States to end this gross injustice. We were pleased by the recent adoption of the General Assembly resolution calling on states to end impunity by prosecuting and punishing those who use rape and other sexual violence to advance military or political objectives, to protect and support victims, and to develop and implement comprehensive strategies on prevention and prosecution of rape.

There is evidence that government forces and/or government-allied militias in Sudan have used rape as an instrument to further military or political objectives. In Burma there are widespread reports of serious human rights abuses, including rape, by Burmese military personnel in conflict areas. The circumstances of these rapes, which accompanied forced displacement intended to deny support to ethnic minority groups, and the routine impunity for perpetrators, strongly suggest that they are part of the government's effort to "pacify" and/or intensify its control over ethnic minorities.

The U.S. has responded in many ways to the intolerable widespread violence against civilians, especially Darfur Sudanese women and girls. At the behest of Secretary Rice, the U.S. Department of State and Agency for International Development (USAID) are implementing an initiative to target five key strategic areas to help address the issue of gender-based violence including: access to justice, human rights monitoring efforts, access to accurate information, and humanitarian protections to include clinical care. The U.S. Department of State also supports programs which focus on prevention and response to gender-based violence for Darfur Sudanese refugees in Chad. The United States urges all Member States to take similar concrete steps to end impunity for perpetrators and the use of rape as an instrument of war.

Third -- Strengthen Refugee Protection and Maximize Opportunities for Refugees, and IDPs, Self-reliance.

The United States continues to support strong and effective international responses to humanitarian crises. Unfortunately, protracted conflicts continue to create forced displacements of large numbers of civilians. Renewed displacement in Somalia, Eastern Congo, and Sudan,s Darfur province are tragic reminders about the risks of civilians being deliberately targeted during armed conflicts.

The United States continues to seek comprehensive approaches to resolve protracted refugee situations through support for durable solutions. We also seek innovative approaches to develop livelihood strategies and to maximize opportunities for refugees, self-reliance and empowerment.

Where conflict is causing civilians to flee and seek asylum, we are actively working with other governments to provide protection to those in need. We have made almost \$200 million available in 2007 to assist displaced Iraqis, including providing \$39 million to date to the joint UNHCR -- UNICEF appeal for education of Iraqi children in Jordan and Syria. We call on Member States to renew their commitment to uphold the right to asylum, to protect civilians from forcible return, and to provide durable solutions for refugees. The United States is proud to have assisted approximately one million African refugees to return home over the past two years. In addition, the U.S. is actively working with other governments to resolve the protracted situation of refugees, such as the Bhutanese in Nepal.

Fourth -- Combating deliberate targeting of civilians.

The Secretary-General,s report rightly underscores the importance of the principles of distinction and proportionality. In resolution 1674, this Council recalled that the deliberate targeting of civilians as such in situations of armed conflict is a flagrant violation of international law, reiterated its condemnation of such practices in the strongest possible terms, and demanded that all parties immediately put an end to such practices. Yet all too often we see parties to armed conflicts resorting to the deliberate targeting of the civilian population as a means to create a climate of fear.

We saw for example a flagrant violation of international humanitarian law in the horrific terrorist attack earlier this month in Baghlan, Afghanistan where members of parliament, local officials, average citizens, and school children were brutally murdered.

In our own military operations, we do everything feasible to avoid the loss of innocent life. We are very concerned about civilian casualties, and we take deliberate precautions to minimize the risks to civilian populations.

In Afghanistan, at every phase of an operation -- from beginning planning to conducting the operation -- precautions are taken to minimize the risks to civilians.

This stands in glaring contrast to the terrorist groups who deliberately target civilians and attack our forces from civilian spaces. It is well past time for all Member States to have zero tolerance for armed groups who deliberately target civilians or put civilians in harm,s way with the goal of spreading fear and destabilizing communities.

(Conclusion)

The U.S. applauds the Secretary-General,s systematic and thoughtful report on the protection of civilians in armed conflict. The United States looks forward to considering the recommendations in this report.

The U.S. appreciates OCHA,s efforts and desire to keep the Council apprised and informed. We welcome the idea of OCHA inviting Security Council Members to informal OCHA briefings

on situations seized by the Council but think a formal working group is unnecessary.

In closing, the United States would like again commend OCHA,s work, together with its humanitarian partners, for its valuable work in providing life-saving assistance and advocating for the protection of civilians, particularly children, women, the elderly, and other vulnerable groups.

End statement.

RICE